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*Electronically Filed on:
May 11, 2006*

8 Attorneys for Direct Lenders

9

10 **UNITED STATES BANKRUPTCY COURT**

11 **DISTRICT OF NEVADA**

12

13 In re:

14 USA COMMERCIAL MORTGAGE COMPANY,
15 Debtor.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

16 USA CAPITAL REALTY ADVISORS, LLC,
17 Debtor.

Chapter 11

18 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
19 LLC,
20 Debtor.

**NOTICE OF HEARING ON
DIRECT LENDERS' MOTIONS:**
**1. TO COMPEL DEBTOR TO
CONTINUE TO FORWARD
LENDER PAYMENTS TO
DIRECT LENDERS; and**
**2. TO DELAY OR PROHIBIT
APPRaisALS ON
PERFORMING LOANS
(AFFECT USA COMMERCIAL
MORTGAGE CO.)**

21 USA CAPITAL FIRST TRUST DEED FUND, LLC,
22 Debtor.

23 USA SECURITIES, LLC,
24 Debtor.

25 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Hearing Date: June 5, 2006
Hearing Time: 9:30 am

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1 PLEASE TAKE NOTICE that a group known as the Direct Lenders, by and through its
 2 counsel, Janet L. Chubb, Esq., and Louis M. Bubala III, Esq., of Jones Vargas has filed Direct
 3 Lenders' Motions: 1. To Compel Debtor To Continue To Forward Lender Payments To Direct
 4 Lenders; And 2. To Delay Or Prohibit Appraisals On Performing Loans in the USA Commercial
 5 Mortgage Company's case on the grounds that USA Commercial, as the originating mortgage
 6 broker and servicing agent for the Direct Lenders, does not have any interest in the transaction
 7 beyond the fees it collects as servicing agent. USA Commercial holds neither legal nor equitable
 8 title; it is merely a conduit for the borrower payments on the promissory notes and owed to the
 9 Direct Lenders. Therefore, the borrower payments, loans, promissory notes, and securing deeds of
 10 trust are not USA Commercial's property.

11 A hearing on this Motion will be held before a United States Bankruptcy Judge, in
 12 Bankruptcy Courtroom No. 1, 300 Las Vegas Boulevard South, 3rd Floor, Las Vegas, Nevada, at
 13 the date and time listed above.

14 Any opposition must be served on the undersigned counsel and filed with the Court
 15 pursuant to Local Rule 9014(d)(1):

16 "Oppositions to a motion must be filed and service completed upon
 17 the movant no later than fifteen (15) days after the motion is served
 18 except as provided by LR 3007(b) and LR 9006. If the hearing has
 19 been set on less than 15 days' notice, the opposition must be filed no
 20 later than 5 business days before the hearing, unless the court orders
 otherwise. The opposition must set forth all relevant facts and any
 relevant legal authority. An opposition may be supported by
 affidavits or declarations that conform to the provisions of
 subsection (c) of this rule."

21 If you object to/oppose the relief requested, you *must* file a WRITTEN response to this pleading
 22 with the Court. You *must* also serve your written response on the person who sent this Notice. If
 23 you do not file a written response with the Court, or if you do not serve your written response on
 24 the person who sent this Notice, then:

- 25 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 26 • The Court may *rule against you* without formally calling the matter at the hearing.

27 A copy of the Motion is on file at the office of the Clerk, United States Bankruptcy Court,
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1 300 Las Vegas Boulevard South, Las Vegas, NV 89101, and is available for inspection and
2 copying.

3 DATED this 11th day of May, 2006.

4 JONES VARGAS

5 By: //s// Janet L. Chubb
6 JANET L. CHUBB, ESQ.
7 LOUIS M. BUBALA, ESQ.

8 Attorneys for Direct Lenders

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CERTIFICATE OF SERVICE

1. On May____, 2006, I served the following document(s):

NOTICE OF HEARING ON DIRECT LENDERS' MOTIONS:

**1. TO COMPEL DEBTOR TO CONTINUE TO FORWARD LENDER PAYMENTS
TO DIRECT LENDERS and 2. TO DELAY OR PROHIBIT
APPRaisALS ON PERFORMING LOANS**

2. I served the above-named document(s) by the following means to the persons as listed below:

• a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

- **FRANKLIN C. ADAMS**
franklin.adams@bbklaw.com arthur.johnston@bbklaw.com
- **KELLY J. BRINKMAN**
kbrinkman@gooldpatterson.com
- **CANDACE C CARLYON**
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- **CICI CUNNINGHAM**
bankruptcy@rocgd.com
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- **THOMAS H. FELL**
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- **JEANETTE E. MCPHERSON**
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1 • **LENARD E. SCHWARTZER**
2 bkfilings@s-mlaw.com
3 • **CARYN S. TIJSSELING**
4 cst@beesleyandpeck.com aha@beesleyandpeck.com
5 • **MATTHEW C. ZIRZOW**
6 bankruptcynotices@gordonsilver.com

7 **9 b. United States mail, postage fully prepaid (list persons and addresses):**

8 Annette W Jarvis
9 P O Box 45385
10 36 South State Street, #1400
11 Salt Lake City, UT 84145-0385

12 Nicholas J Santoro, Esq.
13 Santoro Driggs et al.
14 400 S Fourth St 3rd Floor
15 Las Vegas, NV 89101

16 Bradley J Stevens, Esq.
17 3300 N Central Ave
18 Phoenix, AZ 85012

19 Peter Susi, Esq.
20 Michaelson, Susi & Michaelson
21 7th West Figueroa St 2nd Floor
22 Santa Barbara, CA 93101

23 Gregory J Walch, Esq.
24 400 S Fourth St. 3rd Floor
25 Las Vegas, NV 89101

26 **9 c. Personal Service (list persons and addresses):**
27 I personally delivered the document(s) to the persons at these addresses:

28 **9** For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

29 **9** For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

30 **: d. By direct email (as opposed to through the ECF System) (list persons and email addresses):**

31 Based upon the written agreement of the parties to accept service by email
32 or a court order, I caused the document(s) to be sent to the persons at the
33 email addresses listed below. I did not receive, within a reasonable time

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1 after the transmission, any electronic message or other indication that the
2 transmission was unsuccessful.

3 **9 e. By fax transmission** (list persons and fax numbers):

4 Based upon the written agreement of the parties to accept service by fax
5 transmission or a court order, I faxed the document(s) to the persons at the
6 fax numbers listed below. No error was reported by the fax machine that I
7 used. A copy of the record of the fax transmission is attached.

8 **9 f. By messenger:**

9 I served the document(s) by placing them in an envelope or package
10 addressed to the persons at the addresses listed below and providing them to
11 a messenger for service. (A declaration by the messenger must be attached
12 to this Certificate of Service).

13 **I declare under penalty of perjury that the foregoing is true and correct.**

14 DATED this 11th day of May, 2006.

15 J. Englehart & Tawney Waldo
16 Name

17 //s// Tawney Waldo & J. Englehart
18 Signature

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